

**TOWN OF WINCHESTER,
NEW HAMPSHIRE**

**SITE PLAN REVIEW
REGULATIONS**

Table of contents

CHAPTERS	PAGE
Section I: Authority	4
Section II: Purpose	4
Section III: Compliance of Regulations & Ordinances	4
Section IV: Definitions	4
Section V: Scope of Review	5
Section VI: Standards	5
A. Parking	
B. Loading	
C. Snow storage	
D. Streets, Sidewalks and Access	
E. Drainage & Erosion Control	
F. Water Supply & Sewage Disposal	
G. Lighting	
H. Signage	
I. Utilities, Fuel Tanks and Groundwater	
J. Air & Noise	
K. Landscaping, Landscaping of parking areas, Buffers and Screening	
L. ADA & Life Safety	
M. Public Safety	
N. Architectural	
Section VII: Developments of Regional Impact	10
Section VIII: Procedure	10
A. Pre Application Review	
B. Design Review	
C. Formal Application	
D. Fees	
E. Submission Requirements	
F. Waivers	
G. Notices	
H. Public Hearing	
I. Joint Hearings	
J. Decisions	
K. Site Visits	

- L. Compliance of approval
- M. Impact & Exaction Fees
- N. Performance Guaranty

Section IX: Active and Substantial Development and Completion	15
Section X: Streets & Driveways	16
Section XI: Flood Hazard Areas	16
Section XII: Administration & Enforcement	16
Section XI II: Penalties & Fines	16
Section XIV: Appeals	16
Section XV: Revocation of Approval	17
Section XVI: Validity	17
Section XVII: Amendments	17
Section XVIII: Adoption	17

SECTION I: Authority

Pursuant to the authority vested in the Winchester Planning Board voted on at the March 1975 Town Meeting, and in accordance with the provisions of 674:43 and 44, New Hampshire revised statutes annotated, as amended, the Winchester Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multifamily dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

SECTION II: Purpose

The purpose of these site plan review regulations is to protect the public health, safety and welfare of the residents while addressing balanced growth with looking at the town's infrastructure, public services and facilities. In addition these regulations are to provide for the safe and attractive development of the Town of Winchester; to guard against such conditions that would affect groundwater, waterways, natural features, to minimize drainage, flooding and erosion; and protect against harmful noise, odors, dust and other nuisances and to prevent premature and uncoordinated development of land without adequate provision of public services and facilities.

It is intended to provide harmonious and aesthetically pleasing development by providing for open and green spaces, proper streets, parking areas and walks, adequate lighting, pleasant landscaping while encouraging innovative design with reuse of structures and green building practices.

SECTION III: Compliance with Regulations & Ordinances

All applications shall comply with the Town of Winchester Zoning Ordinance, Subdivision Regulations, Access Management Regulations (Driveway), Regulations Governing Sedimentation & Erosion Control and Stormwater Management and any other regulation that may apply to this development.

SECTION IV: Definitions

All definitions are the same as the Winchester Zoning Ordinance, Subdivision Regulations, Access Management Regulations, Sedimentation & Erosion Control Regulations and including the definition of construction.

Construction: The act in which something is built or put together in relation to development. This is to include erection of buildings, laying of roads and improvements, clearing of land for such and also drainage and erosion control work.

Green building: Is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. Green building is also known as sustainable or high performance building and is an example of smart growth development.

SECTION V: Scope of Review

Development proposed under these regulations shall follow sound planning principals that lead to a project that: adheres to the best design standards; is integrated with the community's aesthetics; enhances circulation in the community; will not overwhelm the subject site; will provide safe and appropriate lighting; will provide adequate and appropriate landscaping and parking; and will not result in the excessive expenditure of public funds. Land of such character that it cannot be safely used for building purposes because of danger to health and peril from fire, access drainage, flood or other menace shall not be used for nonresidential or multifamily development.

These regulations shall apply to all non residential and multifamily (defined as more than two dwellings units in a single building) development, expansion, or change of use. No tree cutting, excavation, construction, or building development or change of use for the purpose of site plan review shall occur prior to securing site plan approval from the planning board. In the event there is any question as to whether a project requires site plan review, the planning board shall have the authority for making that determination. In order to clarify what constitutes a change of use of significant magnitude or impact to trigger planning board action, the following guidelines shall be observed:

(A) Activities That Require Site Plan Review

- (1) New construction of non-residential or multi-family development.
- (2) A change of use (e.g. from residential to commercial, or one- or two-family to multi-family).
- (3) Projects that entail the development, change, or expansion of more than two thousand (2,000) square feet of buildings, structures, or parking area, including filling, excavation, grading or clearing of any land.

(B) Activities That Do Not Require Site Plan Review

- (1) Agricultural activities, including associated structures.
- (2) Proposals that involve no change in use or level of activity.
- (3) Internal building modifications to a non-residential use that do not affect the scale or impact of the existing use.
- (4) A change in use for a property that has received Site Plan review by the Board provided the new use is not different in type or impact.
- (5) One- and two-family residential development.
- (6) Projects of less than two thousand (2,000) square feet of buildings, structures, or parking area unless if, in the judgment of the Planning Board, there are potential significant impacts.

(C) The activities that will be reviewed by the board and approved

- (1) Changes to an approved Site Plan as a result of minor errors in construction.
- (2) Changes to an approved Site Plan of a minor nature that do not affect any of the anticipated impacts of the project.

- (3) Time extensions to an approved Site Plan.
- (4) The activities will be reported to the Planning Board at the next meeting.

SECTION VI: Standards

Design standards are drafted to 1) create a minimal impact of the land, 2) to retain natural features, 3) promote the use of “green” standards and 4) to be sensitive to the neighborhood density while focusing on safety. The building design will promote reuse of materials while keeping with the character of the area.

A. Parking: Parking is an important aspect of site plan review. The amount of parking must be sufficient enough to prevent demands for on street parking while being aesthetically pleasing to the site and surrounding properties. The parking must be safe and convenient for users.

- 1. The number of off street parking spaces will be as follows:

- Residential: 2 spaces per unit
- Retail: 1 space per 200 sqft of gross floor area
- Office/business: 1 space per 250 sqft gross floor area
- Restaurant: 1 space per 3 seats
- Lounge: 1 space per 2 seats
- Lodging: 1 space per overnight room
- Industrial: 1 space per 500 sqft of gross floor area
- Auto service center: 4 spaces per bay
- Hospital/ Nursing home: 1 space per 2 beds
- Shopping Center: 1 space per 200 sqft of gross floor area

- 2. Handicap parking spaces will be provided in accordance with Federal law.
- 3. The use of Traffic control islands will be constructed to standard practices and reviewed by the board. These islands shall be a minimum of 10ft in width to facilitate trees and other landscaping, to break up the monotony of the paved area and provide shade for parked cars in the summer.
- 4. All parking lots shall conform to the required setbacks of the district.
- 5. Parking areas are to be constructed to minimize dust, erosion and runoff situations.

B. Loading: All non residential sites shall provide off street loading facilities sufficient to meet the needs of the site. The loading facility shall be located and designed so that delivery vehicles can be parked completely out of the right of way to minimize negative impacts on traffic flow. The area shall not obstruct on site traffic flow. On site parking spaces may be temporarily used for such.

C. Snow storage

Snow removal shall be reviewed for all applications and storage of such shall be included in the plan. The storage areas will be designated on the plan and if the area is not sufficient agreeable terms of removal from the site would be necessary. Landscaping in the area of snow storage must be tolerant of this impact and shall not impede drainage facilities.

D. Streets, sidewalks, and access area:

All streets and access areas will be constructed to the standards outlined in the Town of Winchester Subdivision Regulations and Local Access Management Regulations (Driveway).

1. All streets shall be coordinated with the site and in relation to other existing or planned streets, and shall be of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for emergency vehicles to the buildings.
2. Each and every property shall be afforded safe and efficient vehicular and pedestrian access to and from public streets via driveways.
3. All access drives shall be afforded adequate site distance.
4. All internal drives shall be constructed and paved in accordance with the same specifications as public highways and shall have a minimum width of 20feet.

Adequate provision will be provided to pedestrians and bicyclists.

1. All projects shall have sidewalks from the main entrance to the sidewalk and to parking areas.
2. Large parking lots with multiple aisles shall have the driving lanes constructed to reduce the number of lanes pedestrians must cross to get to the building. Sidewalks may be required in the traffic islands.
3. The board may require that sidewalks be installed or improved in front of any lots fronting on Main Street and Warwick Road.

E. Drainage & erosion control

All developments shall make adequate provisions for storm water runoff. All applications will comply with the Town of Winchester Erosion & Sedimentation Control & Stormwater management regulations.

F. Water Supply and Sewage Disposal

All developments shall provide adequate water supply for consumption and fire protection.

1. All developments within 100ft of the Winchester municipal water supply are recommended to connect to the municipal water supply in accordance with the Town of Winchester Municipal Water Regulations.
2. In areas without municipal water, the applicant shall have provisions for on site private water system or a community water system as regulated by the state of NH.

All developments shall provide for state approved private septic systems or connect with the municipal sewer system.

1. All developments within 100ft of the Winchester municipal sewer system shall connect to the municipal supply in accordance with the Town of Winchester Sewer Regulations.
2. In areas without municipal sewer, a state approved private septic system design is required prior to final approval, and the approval number will be indicated on the plan.

G. Lighting

All outdoor lighting shall be designed to prevent off site disturbance, nuisance, and hazards of abutting properties and roads. Outdoor lighting shall be designed to be used only in lighting the development. The purpose of these regulations is to eliminate problems of glare, obnoxious light, protection of night time skies, to conserve energy and guard Winchester's rural character.

1. All lighting is to have a full cut off shielding.
2. Up lighting and non cut off wallpack lighting is prohibited.
3. All lighting will be located on the plan and a report of the types of lighting is required.

H. Signage

All signage will be directed by the Town of Winchester Sign Ordinance, within the Town of Winchester Zoning Ordinance and will be shown on the plan.

I. Utilities/fuel tanks/groundwater

The location and design of all utilities of the development shall be shown on the plan. The Board requires all new utilities be underground.

All underground and above ground fuel tanks shall be installed in accordance with state regulations.

The quality of the groundwater shall not be adversely affected by the proposed development. All applications shall comply with the State of NH DES regulations.

J. Air and Noise

1. Air quality relating to smoke, soot and other particulates that discharge into the air shall not exceed the levels allowable under the State of New Hampshire guidelines.
2. Noise is regulated by the Town of Winchester Noise Ordinance.

K. Landscaping, Screening & Buffers

The requirements listed below are to promote an aesthetically pleasing relationship between buildings and the surrounding area, protect the environment, enhance privacy, shield potentially conflicting land uses and abutters from perceived impacts and minimize the visual impact of large cleared areas.

Landscaping:

1. A plan shall be submitted to the board showing the location of plantings and the listing

- of all species. Refer to UNH cooperative extension service for suitable plants.
2. Landscaping shall be continually maintained in good condition, and replaced as necessary to the required standards.
 3. Vegetation shall consist of grass, trees, shrubs, flowering plants, and live ground cover.
 4. Mulch or other non living material is not a substitute for live plants.
 5. Landscaped areas shall not be permitted for product storage, parking, etc.
 6. No plantings shall obstruct the line of sight, nor create hazards for pedestrians, bicyclists or vehicles.
 7. Landscaping shall be used to establish or maintain an attractive streetscape adjacent to roadways. A minimum of one tree per 20 linear ft of frontage is required, and at a minimum depth pf 10ft from the road and/or sidewalk. Newly planted trees shall be a minimum of 3" in diameter, measured six inches above the ball.
 8. The board embraces retention of any existing tree, and the planting or retaining of clumps of trees.

Landscaping of parking areas:

1. All trees planted in parking islands shall be at least 4ft from any curb.
2. Landscaped beds shall be used to separate parking areas from the portion of the building providing access to the building.
3. For parking lots of 50 spaces or more the following additional landscaping standard apply. The interior of the parking lot shall include landscaping covering not less then ten percent of the total area of parking spaces.

Buffers:

1. Buffer strips will be at 10ft minimum width and a distance largely dependent upon the density of development in the area.
2. The strip will be densely planted and form a year-round buffer.
3. The buffer will be maintained on a regular basis.

Screening:

1. All loading areas, trash receptacles, and the like shall be located or screened from public view, including neighboring properties.
2. Acceptable screening materials are fencing or hedges.

L. American Disability Act (ADA) & Life Safety

Where required by law, all buildings shall have access for handicap persons. All parking, sidewalks, entrances and shall be built in accordance with all ADA requirements.

All new construction shall be constructed, inspected and approved in accordance with all International Code Council (ICC) Life Safety Codes.

M. Public Safety

1. When applicable, written comment/approval from the police chief may be required. The board may require modification of the site plan to enhance public safety.

2. For developments that will handle, store, process, sell or discharge hazardous or toxic materials, written approval from the Fire Chief shall be obtained. In addition, no interior floor drains are permitted.
3. For any development, whether based on size, location, number of employers or such, in opinion of the board, shall have the plans and final construction approved by the Fire Chief.

N. Architectural

These standards are designed to enhance the appearance of Winchester while embracing our rural character and allowing diversity in design without hindering development. Any buildings in the Historic district shall conform to the requirements of the Historic Commission and the Historic District guidelines.

1. Plans shall consist of these requirements at a minimum: Floor plans, building elevations, style & placement of window and doors, exterior building materials, roofing style and materials, color and textures of such, and exterior lighting type and locations.
2. It is desired that new construction and renovation match in character with surrounding properties.
3. Avoidance of long expanses of roof and walls without any features is recommended.
4. The exterior of the building shall be continually maintained in the standard of the approval.

SECTION VII: Developments of Regional Impact

The board will promptly upon a receipt of an application for development, determine whether it is or is not a development of regional impact. If the board determines the application is a development of regional impact they then shall follow the procedures set forth in RSA 36:54-57. This includes notifying affected municipalities and the regional planning commission.

Impact criteria shall include, but not be limited to, the following items. These shall in no way be considered exclusive, but rather guidelines for the board to follow in making this determination.

- A. Residential development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%
- B. Commercial development/Industrial: Proposals for new or expanded space of 50,000 square feet or more.
- C. Other Factors:
 1. Proximity to other municipal boundaries.
 2. Traffic impacts on the regional network.
 3. Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries
 4. The potential to disturb or destroy a significant or important natural environment or

habitat.

5. The necessity for shared public facilities such as schools or solid waste disposal.
6. Anticipated emissions such as light, noise, smoke, odor or particulates.
7. The potential for accidents that would require evacuation of a large area.
8. The generation and or use of hazard materials.

SECTION VIII: Procedure

A. Pre application review/ Conceptual Consultation per RSA 676:4,II(a):

1. Prior to an applicant submitting a formal application for consideration to the board the applicant may request a meeting with the board to discuss the proposal in conceptual form and in general terms.
2. The board and applicant may review the Master Plan, Zoning Ordinance and any pertinent regulations that may apply to this application. The board will give guidance or direction on any local, state or federal requirements.
3. This discussion is informal and the abutters are not required to be notified but the consultation shall only occur at a posted meeting.
4. Preliminary consultation shall not bind the applicant or the board, and statements made by board members shall not be a basis for disqualifying said members or invalidating any action taken.

B. Design Review per RSA 676:4(b):

1. This review is a more specific design proposal that may include the use of preliminary plans. This is a non binding discussion beyond the conceptual stage which may involve more specific design and engineering details.
2. The abutters and the public are notified as required by RSA 676:4,I(d). The review takes place at a duly noticed meeting of the board.
3. The board may determine at this time if the proposal is a development of regional impact.
4. The applicant may be informed of expenses and any special studies that may be required.
5. Statements made by board members during the design review phase shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
6. The minimum requirements of submission will be the minimum plan requirements of sections I-III of the site plan review checklist. A vote shall be called to close the design review process upon completion of discussions with the board.

C. Formal application submission per RSA 676:4:

1. A completed application shall be submitted to the Land Use Assistant at least 21 days prior to the scheduled public meeting of the board during normal business hours. The Land Use Assistant shall review the application to make an initial determination of

whether or not the application meets submission requirements. Final determination of completeness shall be made by the board at a duly noticed meeting of the board.

2. A complete application shall consist of all data required in section VIII, E, submission requirements.

3. The completed application shall also include all required fees for notices, any administrative service costs or other fees assessed by the board under the provisions of RSA 676:4,I(g).

4. At the next regular meeting for which notice can be posted, or 30 days from the date of delivery, the board will determine whether the application is complete. If the application is not complete, the board will specify what requirements need to be met to warrant a complete application.

5. The board shall act to approve or disapprove the completed application within 65 days of its formal acceptance. If the board cannot render a decision within this time, the board shall follow the procedures set forth in RSA676:4,I(f) for an extension of time.

6. All submitted applications are subject to site inspections by the board or their designee.

7. A third party review of the application may be required by the board as permitted by RSA 676:4(b).

8. The planning board may choose, as part of the same meeting as acceptance of the application as complete, to move into a public hearing on the proposal.

D. Fees:

1. The applicant shall be responsible for all fees incurred for the processing of the application and the notification requirements. Failure to pay such costs constitute valid grounds for the board not to accept the application as complete.

2. All fees are due upon the submission of a formal application or design review application.

3. The fee schedule is available in the application packet.

4. It shall be the responsibility of the applicant to pay any reasonable fees for other services the board deems necessary; legal or engineering review, impact studies, etc.

E. Submission Requirements:

1. A completed application form with applicable fees.

2. Three copies of a plat of existing conditions and/or a plat of proposed plan. The plan shall be at a minimum size of 11"x17".

3. The existing plan shall contain at a minimum, the following information: Name of project, location of site, names and addresses of owners of record, all abutting land owners (within 200ft.) and addresses, zoning districts, tax map & lot numbers, north arrow, date of plan, scale of plan, streets, sidewalks, boundary lines, lot size in acres and sqft, structures with sizes and dimensions, easements, drainage, natural features such as streams, stonewalls, wetlands, floodways, etc., private and public utilities, wells & septic systems.

a). Major site plans, and minor site plans at the discretion of the board will require the additional information: topography, soil data, elevations, and the plans will be

prepared by a New Hampshire licensed engineer or licensed surveyor at a scale of 1" equals 50ft.

4. The proposed plan shall contain at a minimum the following information:
 - a) The proposed grades, drainage systems, structures and topographic contours at intervals not exceeding 5 ft.
 - b). The shape, size, height, location and use of the proposed structures, including the expansion or alteration of existing structures.
 - c) Architectural plans (refer to section VI, standards)
 - d) Width, radii of curves of all proposed streets, access, driveways and sidewalks, with indication of direction of traffic flow for both pedestrian & vehicles.(refer to section VI, standards). This will include an approved 911 new street name.
 - e) Location and total number of parking spaces, loading spaces (refer to section VI, standards). Accessibility to the site and building will be outlined.
 - f) The size and location of all public and private utilities, including fire hydrants.
 - g) The location and type of all proposed landscaping, lighting, screening, signage, snow storage and waste receptacles. (refer to section VI, standards).
 - h) The location of fuel tanks and storage of any hazardous material. This is to include the description of the storage container and copies of the MSDS sheets.
 - i) All erosion & sedimentation controls measures including stormwater runoff in accordance with the state and the Town of Winchester Erosion & Sedimentation control regulation.
5. Copies of any local, state or federal permits that have been applied for or approved. These would include but not limited to driveway permits, state subdivision approval, Alteration of Terrain, town water/sewer hookup, FEMA, or historic.
6. A construction timetable shall be included in the application.
7. The board reserves the right to ask for any other additional reasonable information. Any costs of such information shall be borne by the applicant.

F. Waivers:

Any portion of these regulations may be waived where, in the opinion of the board, strict conformity would pose an unnecessary hardship to the applicant, and such waiver would not be contrary to the spirit and intent of the regulations. All waivers are to be in writing.

G. Notification:

1. Notice of submission, review and public hearing of the application shall be given to abutters, holders of conservation land, holders of preservation or agricultural restrictions and any professionals whose name is stamped on the plans. This notice will be by certified mail and sent at least 10 days prior to action by the board.
2. The public shall be given notice at the same time, by posting in at least two public places and the local newspaper.
3. The notice shall give the date, time and place of the Planning Board meeting at which the application will be formally submitted for acceptance. This notice shall include a general description of the proposal; identify the applicant, and the location of the proposal.

4. If the notice for the public hearing was included in the notice of review for acceptance of the application, an additional notice of public hearing is not required. Also additional notice is not required if continuation of a hearing is duly announced at the meeting and recorded in the minutes.

H. Public Hearings:

1. No application shall be approved or denied without a duly noticed public hearing.
2. A public hearing is not required if the board determines the application is incomplete.
3. A public hearing may be continued to additional meetings with proper notice.
4. Whenever the board conditionally approves a site plan, placing a condition or conditions on the approval, all conditions shall be met within a specific period of time, or, if not specified, within one year from the date from the approval. Conditions administrative by nature shall not require another public hearing but any change or decision by the board requires another public hearing. Compliance is determined by the board.

I. Joint Hearings:

1. As allowed under RSA676:2, applicants needing approval for a project from two boards may petition for the boards to hold a joint hearing. Procedures for such are listed under the board's rules of procedure.

J. Decisions:

After the Planning Board is satisfied that they have heard and addressed all issues with the application then the board is required to make a decision.

1. **Approval:** The board votes in the majority of affirmative that the application meets all requirements necessary for approval. The plat will be signed and filed in the Land Use Office. If the board so requires, a mylar of the plat will be produced for signing by the board and recorded in the registry of deeds.
2. **Denial:** The board votes in the affirmative that the application does not meet all requirements necessary for an approval. The board must clearly state the reasons of the denial in the board's minutes and the decision letter. A decision letter shall be available within 5 business days.
3. **An approval with conditions:** The board votes in the affirmative that the application has met most requirements but may be still waiting on other board's approvals, state permits, obtaining a bond easement, etc.
4. RSA676:3 states all conditions shall be detailed in all approvals and written and or filed on all plats.
5. Finals plans are not signed until all conditions are met.

A motion to approve that does not get an affirmative vote by a majority of the board members, does not result in an automatic disapproval of the application. A new motion to disapprove, including reasons for the action, should be offered and another vote should be taken. Similarly, a motion to disapprove that does not receive a majority vote, does not result in an automatic approval of the application. If a motion is made which results in a tie vote, that motion fails and the board should try rewording the motion that a majority of members can approve.

K. Site Visits:

1. An applicant upon submission of an application expressly gives permission for the board to conduct noticed site visits. A denial of a site visit automatically terminates any further consideration of the application.
2. A site visit with a quorum of the board is considered a meeting, shall be noticed as such, and minutes shall be recorded reflecting the visit.
3. The practice of an applicant directly calling a board member for a visit is discouraged.

L. Compliance of Approval:

1. No substantial deviation from the plans as approved shall be permitted without approval from the Planning Board. "Substantial deviation" will be monitored by the board's agent.
2. A site plan approval is valid for one year provided that active and substantial development of the project has begun within one year as defined in the board's written approval as permitted by RSA 674:39.
3. The applicant or his/her successor shall conform with the standards set forth in the approval to reach what is accepted by the board as substantial completion within the four year exemption period as permitted by RSA 674:39.
4. As built plans shall be required for filing in the Land Use Office of the project including all utilities established on site.
5. All conditional approvals shall have the required document(s) submitted to the board within the set timeframe as approved during the hearing process.
 - a). Copies of all federal, state and local approvals such as driveway permits, fire department approval, water/sewer approvals, Historic, FEMA, DES or any such others the board may require.
 - b). Timeframes of submittals and completion dates shall be adhered to and if not so, the board reserves the right to conduct a hearing on the matter to reconsider the decision and/or stipulations.

M. Impact Fees & Exaction Fees:

The Town of Winchester has adopted the use and authority to impose impact or exaction fees pursuant to RSA 674:21 and RSA 674:21, V(j).

N. Performance Guarantee:

In lieu of completion of required improvements, the applicant may enter into a development agreement with the board specifying the manner in which the improvements are to be completed, pursuant to RSA 674:36III, as amended. The board shall require that a financial surety, in an amount to be determined by the board, in the form of an irrevocable letter of credit or a performance bond, be posted by the applicant and held by the Town until the board determines that all conditions of the site plan approval and other town ordinances and regulations have been met. The bond may be released in part when the project is substantially completed, at the discretion of the board.

SECTION IX: Active and Substantial Development and Completion

In approving any application, the Planning Board may specify the threshold level of work which shall constitute “active and substantial development and building” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations for a period of 4 years. Active and substantial development, in the absence of a specific finding of the board, shall be deemed to have occurred when at least twenty(20%) of the total building foundations or one building foundation, whichever is greater, on the site has been installed, inspected and approved by the Building Inspector, and utilities have been extended to the site. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

Substantial completion of the development or approved phase shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issue by the town, and all other on site and/or off site improvements have been determined by the town of Winchester or it’s agent to be in compliance with the approved site plan or satisfactory financial guarantees remain on deposit with the town to insure completion of such improvements.

SECTION X: Streets & Driveways

Access to public streets will meet the requirements of the Town of Winchester Access Management Regulations (Driveway Regulations). The accesses to Class I, II, or III streets require conformity with the driveway permit standards of the NH Department of Transportation. If there is any conflict in the standards, the stricter standard shall apply. Any new road construction shall conform to the road standards as specified in the Winchester Subdivision Regulations.

SECTION X: Flood Hazard Areas

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments.
2. The application shall be in compliance with the Town of Winchester Zoning Ordinance, Floodplain Management Ordinance.

3. The board shall require that all site plan proposals greater than 50 lots or 5 acres, whichever is lesser, include base flood elevation (BFE) data with such proposals (ie., floodplain boundary & 100 year flood elevation). Sufficient evidence (construction plans, grading and land treatment plans) shall be submitted so as to allow determination that:
- a) All such proposals are consistent with the need to minimize flooding.
 - b) All public utilities and facilities are located and constructed to minimize or eliminate damage.
 - c) Adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION XI: Administration and Enforcement

These regulations shall be administered by the Winchester Planning Board. Enforcement shall be by the Board of Selectmen or the Code Enforcement Officer. The Building Inspector shall not issue a building permit for construction which requires site plan approval until or unless such planned construction has received site plan approval from the Planning Board.

SECTION XII: Penalties and Fines

Any violation of these regulations shall be subject to a fine as provided in RSA 676:15 thru RSA 676:17, as amended.

SECTION XIII: Appeals

Decisions of the Planning Board on site plan review are appealable to Superior Court as set forth in RSA 677:15, as amended.

SECTION IVX: Revocation of Approval

An approved site plan may be revoked by the board in whole or in part, under certain circumstances as set forth in RSA 676:4-a, as amended.

SECTION XV: Validity

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

SECTION XVI: Amendments

These regulations may be amended by a majority vote of the Planning Board after at least one public hearing following a proper notification.

SECTION XVII: Adoption

These regulations and any amendments thereto shall take effect upon their adoption, and all other site plan review regulations, or part thereof, inconsistent there with are hereby repealed.

Adopted March 1975
Amended September 28, 1987
Amended September 20, 1993
Amended March 7, 2011
Amended July 18, 2011